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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,850

02/07/2005

Thomas John

3208

4407

7590  
Striker Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

10/07/2008

EXAMINER

NGUYEN, PHONG H

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

10/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/523,850	<b>Applicant(s)</b> JOHN ET AL.	
	<b>Examiner</b> PHONG H. NGUYEN	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 22-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The last paragraph of claims 22 and 24 is confusing. The connector “so that” should be likely --wherein-- since the last paragraph does not seem to describe a specific purpose of step (e) in claim 22 and step (f) in claim 24.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 22- 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Frederick (3,880,028).

Regarding claim 22, Frederick teaches a method for cutting a continuously moving glass sheet during production of flat glass with an inhomogeneous thickness distribution across the glass sheet, the method comprising the steps of:

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a) providing a moving glass sheet 12 that is continuously moving in a travel direction;

b) moving a cutting tool 16 across the moving glass sheet at an angle (90 degrees) to the travel direction of the moving glass sheet so that the cutting tool traverses a plurality of positions on the glass sheet;

c) during the moving of the cutting tool across the moving glass sheet over the positions on the glass sheet, applying a variable cutting force to the moving glass sheet with the cutting tool 16 so that a fissure 19 is formed in the glass sheet;

d) during the moving of the cutting tool across the glass sheet to form the fissure, continuously measuring a variable thickness of the moving glass sheet to determine thickness variations of the glass sheet (by element 30) and automatically adjusting the variable cutting force applied with the cutting tool to the moving glass sheet as a function of the variable thickness measured during the measuring, whereby the cutting force is increased when the variable thickness increases and the cutting force is decreased when the variable thickness decreases; and then

e) mechanically breaking the glass sheet along the fissure (by a snap roll 21);

wherein the variable cutting force applied by the cutting tool to the moving glass sheet is sufficient to form the fissure but does not cause uncontrolled breaking of the glass sheet during formation of the fissure prior to the mechanically breaking.

See Figs. 1-2.

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Regarding claim 23, a controller 35 for adjusting the cutting force is best seen in Fig. 1-2.

Regarding claim 24, Frederick teaches a method for cutting a continuously moving glass sheet during production of flat glass with an inhomogeneous thickness distribution across the glass sheet, the method comprising the steps of:

- a) providing a moving glass sheet 12 that is continuously moving in a travel direction;
- b) moving a cutting tool 16 across the moving glass sheet at an angle (90 degrees) to the travel direction of the moving glass sheet so that the cutting tool traverses a plurality of positions on the glass sheet;
- c) during the moving of the cutting tool 16 across the moving glass sheet 12 over the regions of the glass sheet, applying a variable cutting force to the moving glass sheet 12 with the cutting tool 16 so that a fissure 19 is formed in the glass sheet 12;
- d) measuring a variable thickness of the glass sheet (by element 30) to determine thickness variations of the glass sheet from one of the regions to another of the regions; and
- e) during the moving of the cutting tool 16 across the moving glass sheet 12 to form the fissure, adjusting the variable cutting force applied with the cutting tool (by element 35) to the moving glass sheet in the regions according to the thickness variations of the glass sheet measured during the measuring of step d), whereby the

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variable cutting force is increased when the variable thickness increases and the variable cutting force is decreased when the variable thickness decreases; and then

f) mechanically breaking the glass sheet along the fissure (by a snap roll 21); wherein the variable cutting force applied by the cutting tool to the moving glass sheet is sufficient to form said fissure but does not cause uncontrolled breaking of the glass sheet during formation of the fissure prior to the mechanically breaking.

See Figs. 1-2.

Regarding claim 25, a position sensor 30 for detecting the position of the cutting tool 16 across the glass sheet 12 is best seen in Figs. 1-2.

Regarding claims 26-28, Frederick teaches using a remote control for manually adjusting the cutting force. When switchover points on the glass sheet are known, one can manually enter appropriate pressure value for the cutting tool into the remote control to vary the cutting pressure. Therefore, the remote control meets the limitation of entering the data manually into the controller to vary the cutting pressure.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 22-28 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHONG H. NGUYEN whose telephone number is (571)272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. H. N./  
Examiner, Art Unit 3724  
September 30, 2008